

## **REMARKS**

Claims 1-11 and 14-25 are pending in the current application. Claims 1, 19 and 22 are independent claims.

### **Summary of Examiner Interview**

Initially, Applicants' representative thanks Examiners Perez and Gary for their time in the July 1, 2004 telephonic interview. Applicants' representative discussed independent claims 1, 19, 22 and 26. Applicants' representative argued that the inclusion of the limitation of a time constraint into independent claims 1 and 19, and similarly to independent claim 26, would overcome the Boltz reference. The Examiner was receptive to this argument. The Examiner has further agreed that the 35 U.S.C. §102 rejection of claims 19-21, including independent claim 19, is improper and should be withdrawn. The Examiner has indicated that a 35 U.S.C. §103 rejection may have been proper.

### **35 U.S.C. §102(e) Boltz**

Claims 1-11, 13-18 and 22-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Boltz. Applicants respectfully traverse this art grounds of rejection.

Applicants direct the Examiner to the phone interview conducted on July 1, 2004, as summarized above. The Examiner agreed on record "that proposed amendments to claims 1 and 22 overcome the Boltz reference."

Applicants further submit that new independent claim 26 is likewise allowable over Boltz for similar reasons as those agreed upon in the Interview Summary.

In view of the above, Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

**35 U.S.C. §102(b) Valentine**

Claims 19-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Valentine. Applicants respectfully traverse this art grounds of rejection.

Applicants direct the Examiner to the phone interview conducted on 7/1/2004. Examiner agreed on record "that the rejection should NOT have been a 102 rejection" (7/1/2004 Interview Summary).

Therefore, Applicants respectfully request that the Examiner withdraw this 35 U.S.C. §102(b) art grounds of rejection.

Further, with regard to the Examiner's assertion that a 35 U.S.C. §103 art grounds of rejection would be proper, Applicants respectfully disagree. During the July 1, 2004, phone interview, the Examiner indicated that art could be found, which, combined with Valentine, would render the claim language of "location incentive offers" as recited in independent claim 19, as obvious. The Examiner has alleged that Valentine discloses "location incentive offers".

Valentine discloses a location based screening in a mobile telecommunications system. Specifically, Valentine discloses triggering a screening of incoming and outgoing calls in response to a mobile subscriber being in a given service area portion (Col. 2 line 66 to Col. 3 line 9). Valentine states "[i]f the called or calling number matches a number on the list, the access to service is granted; otherwise, service is denied" (Col. 3, Lines 4-6). It is clear that Valentine screens calls based on a service area portion. However, Valentine does not disclose or suggest "location incentive offers" as recited in independent claim 19. Further, Valentine is similarly deficient in disclosing other limitations in the claim language of independent claim 19. Applicant respectfully submits that a 35 U.S.C. §103 art grounds of rejection would be improper with the current art of record.

Reconsideration and allowance of the pending claims is respectfully requested.

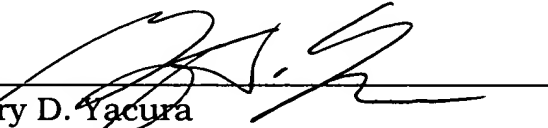
### CONCLUSION

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKY & PIERCE, PLC

By   
Gary D. Yacura  
Reg. No. 35,416

GDY/DAP:dg

P.O. Box 8910  
Reston, VA 20195  
(703) 668-8000